

Overview

Date May 30, 2003

Enclosure to Enforcement Letter ENF 03-23

Distribution County agricultural commissioners

Referrals If you have any questions, please contact your senior pesticide use specialist.

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Statewide Prioritization Plan for Fiscal Year 2003/04

General Description

**Prioritization
plan
description**

The Prioritization Plan (PP) identifies issues of concern to the statewide pesticide regulatory program and establishes goals and strategies designed to improve the state and local programs. The PP also seeks to balance improvement efforts and resources between three essential aspects of both the state and local programs:

- Compliance improvement
 - Program development
 - Training initiatives
-

Plan sources

DPR used the following sources to develop the fiscal year (FY) 2003/04 PP:

- Compliance Assessment Program results (1997-present)
 - Pesticide Illness Surveillance Program Report
 - Compliance/Enforcement Action Database
 - Pesticide Regulatory Activities Annual Report
-

**Review the plan
with your DPR
liaison**

DPR presents the PP as a general guide for selecting appropriate local pesticide regulatory activities. Although the priority issues identified in this plan are of equal importance statewide, DPR recognizes that their importance and applicability vary for each county.

At the earliest opportunity, CACs should review the FY 2003/04 PP with your senior pesticide use specialist (SPUS) liaison. This review will help you identify:

- Appropriate amendments to your FY 2002/03 Negotiated Work Plan (NWP).
 - New training opportunities offered by DPR.
 - Approaches for coordinating state and local resources to address your program's priority issues.
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General Description, Continued

**Special request
regarding
notification
requirements**

This year, DPR is making the following special FA requests of CACs where applicable:

- Determine compliance with the notification requirements of Title 3 California Code of Regulations (3 CCR) section 6618 on at least 10 percent of the Field Worker Safety Inspections (FWSI) you perform during FY 2003/04.
 - Determine compliance with application-specific information display requirements for field workers, 3 CCR section 6761.1, during at least 25 regular FWSI conducted during FY 2003/04. DPR will recognize this effort as a Focused Activity (FA) provided you meet the suggested FA criteria shown on page 14.
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CAC Performance Goals for Fiscal Year 2003/04

Compliance improvement

The following table outlines the suggested CAC performance goals and strategies for improving compliance with worker safety and environmental protection regulations.

Goal	Strategies
Improve industry compliance with personal protective equipment regulations and pesticide label requirements.	<ul style="list-style-type: none"> • Address Compliance Assessment recommendations directly applicable to county. • Implement outreach programs that include information on employer liability to enforcement action. • Implement inspection strategies that target violators, high hazard activities, and businesses that have not been inspected. • Document violations and take enforcement action according to state guidelines.
Improve industry compliance with field worker safety regulations and pesticide label requirements.	<ul style="list-style-type: none"> • Address DPR's special request concerning hazard communication and the display of application-specific information by conducting FWSI that determine compliance with: <ul style="list-style-type: none"> ✓ Notification requirements in 3 CCR section 6618 ✓ Application-specific information requirements (3 CCR section 6761.1) based on the attached enclosure • Perform FWSI in conjunction with headquarter record inspections. • Address Compliance Assessment recommendations directly applicable to county. • Implement outreach programs that include information on employer liability to enforcement action. • Implement inspection strategies that target violators, early entry fieldwork, and businesses that have not been inspected. • Document violations and take enforcement action according to state guidelines.
Improve countywide compliance with chemigation system requirements.	<ul style="list-style-type: none"> • Survey growers to identify permanent chemigation installations in the county and target these sites for inspection. • Provide information about industry compliance to DPR to improve understanding of the sources of closed system compliance problems. • Document violations and take enforcement action according to state guidelines. • Attend a DPR-sponsored chemigation training course.

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CAC Performance Goals for Fiscal Year 2003/04, Continued

Compliance improvement (continued)

Goal	Strategies
Improve statewide compliance with backflow prevention regulations .	<ul style="list-style-type: none"> • Implement outreach programs that include information on potential environmental impacts and enforcement actions. • Implement inspection strategies that target violators and acknowledge good compliance.
Reduce the number of pesticide drift incidents that produce potential or actual harmful effects.	<ul style="list-style-type: none"> • Implement outreach programs that include information on enforcement actions. • Develop permit conditions to address sensitive areas. • Implement pre-application and application inspection plans to address sensitive sites.

Program development The following table outlines the suggested CAC performance goals and strategies for local program development and improvement.

Goal	Strategies
Improve consistency in conducting pesticide use and records inspections .	<ul style="list-style-type: none"> • Attend DPR training on the implementation of new inspection forms and procedures. • Improve timeliness and documentation of inspection follow-up activities. • Review the local administrative civil penalty program for compliance with Enforcement Guidelines.
Improve the quality, consistency, and timeliness of all pesticide-related investigations .	<ul style="list-style-type: none"> • Complete all episode investigations within 120 days or notify SPUS (PR-ENF-097). • Complete all priority episode investigations as specified in the Cooperative Agreement between the DPR, California Agricultural Commissioners and Sealers Association, and the U.S. Environmental Protection Agency (U.S. EPA), or notify DPR. • Reduce the number of episode reports returned for correction by thoroughly reviewing episode reports before submitting them to DPR. • Identify and address difficulties in sampling and evidence collection procedures. • Consult with the SPUS before collecting investigative samples to assure appropriate sampling techniques and documentation.

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CAC Performance Goals for Fiscal Year 2003/04, Continued

Program development (continued)

Goal	Strategies
Continue field monitoring for fumigant applications.	<ul style="list-style-type: none">• Prioritize pre-application and application inspections of fumigations near sensitive sites.
Improve implementation of the site identification procedures .	<ul style="list-style-type: none">• Implement site identification procedures developed by the Permit Mapping Developer's Group for both geographic information systems (GIS) and non-GIS systems.• Identify any barriers to implementation to DPR through your regional representative.

Training initiatives

The following table outlines the suggested CAC performance goals and strategies to meet this year's training initiatives.

Goal	Strategies
Assist DPR in meeting CAC training needs.	<ul style="list-style-type: none">• Work with DPR to develop and implement a program to use DPR/CAC training modules to meet training needs for the year based on pesticide activity and Compliance Assessment data.
Evaluate staff training needs.	<ul style="list-style-type: none">• Review county pesticide episode reports to identify deficiencies and staff training needs.• Provide investigation training for individual staff when necessary or request assistance from DPR to provide this training.

DPR Performance Goals for Fiscal Year 2003/04

Compliance improvement

The following table outlines DPR's performance goals and strategies for improving statewide compliance with worker safety and environmental protection regulations.

Goal	Strategies
Improve statewide compliance with personal protective equipment regulations and pesticide label requirements.	<ul style="list-style-type: none"> • Improve DPR's industry outreach program: <ul style="list-style-type: none"> ✓ Target sources of problems by determining the causes/types of PPE violations. ✓ Assist CACs in developing their local outreach programs. ✓ Make successful CAC outreach programs easily available to other CACs. • Conduct a focused DPR/CAC oversight inspection program in a small number of representative counties. • Evaluate the value and quality of the CAC and DPR pesticide use and records inspection data collected through the Inspection Tracking pilot project. • Assist the Worker Health and Safety (WHS) Branch in promoting their Pesticide Workplace Evaluation Program to the CACs.
Improve industry compliance with field worker safety regulations and pesticide label requirements	<ul style="list-style-type: none"> • Assure that CAC negotiated work plan activities focus on industry compliance with hazard communication and the display of application-specific information. • Improve DPR's industry outreach program by: <ul style="list-style-type: none"> ✓ Determining the causes and types of field worker safety violations to better target outreach efforts. ✓ Focus on grower/industry groups and employee organizations. ✓ Collaborate with public entities, such as the University of California, local health departments, and CACs. • Conduct a focused DPR/CAC oversight inspection program in a small number of representative counties. • Evaluate the value and quality of the CAC and DPR FWSI data collected through the Inspection Tracking pilot project.

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DPR Performance Goals for Fiscal Year 2003/04, Continued

Compliance improvement (continued)

Goal	Strategies
Improve statewide compliance with chemigation system requirements .	<ul style="list-style-type: none">• Encourage CACs to conduct the suggested chemigation focused activity to increase DPR and CAC understanding of the sources of chemigation system compliance problems.• Survey CACs for input prior to development of closed system training module.<ul style="list-style-type: none">✓ Review Pesticide Safety Information Series.• Request documentation of engineering problems from the CACs. The Enforcement and WHS branches will use this information to pursue the closed system engineering and pesticide labeling problems at the state and national levels.
Improve statewide compliance with backflow prevention regulations and chemigation label requirements .	<ul style="list-style-type: none">• Provide assistance to the Environmental Monitoring Branch with chemigation training for the CACs.• Focus on backflow prevention and chemigation requirements in DPR's outreach and overview inspection programs.• Promote uniform enforcement for violations of these requirements.• Encourage counties to develop an effective method for identifying and inspecting chemigation applications.

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DPR Performance Goals for Fiscal Year 2003/04, Continued

Program development

The following table outlines DPR's performance goals and strategies for statewide program development and improvement.

Goal	Strategies
Improve statewide consistency in conducting pesticide use and records inspections, inspection follow-up activities, and enforcement actions.	<ul style="list-style-type: none"> • Evaluate implementation of the revised inspection procedures. • DPR oversight activities. <ul style="list-style-type: none"> ✓ Perform oversight inspections with both new and experienced CAC staff members in balanced manner. ✓ Use information from oversight inspections and county effectiveness evaluations to assess CAC training needs: • Provide training where need exists and DPR resources are available. • Develop databases capable of identifying statewide compliance trends (violation, enforcement, and compliance activity tracking).
Improve the quality, consistency, and timeliness of pesticide-related investigations.	<ul style="list-style-type: none"> • Investigation training: <ul style="list-style-type: none"> ✓ Review current investigation procedures. • DPR oversight: <ul style="list-style-type: none"> ✓ Conduct evaluation activities in a uniform manner. ✓ Develop an interbranch process to document results of DPR investigation reviews (i.e., rate investigations were returned to the CACs and why).

Training initiatives

- Written Policy Review - DPR will prioritize the review, revision, and consolidation of all written policies and procedures. DPR is committed to making DPR information widely available through hard copy and on the DPR Web site. CACs should document any problems they encounter when implementing written policies and procedures and provide written recommendations for specific improvements.
- Implementation of new Ground Water Protection Regulations - DPR will conduct outreach and training to prepare CACs for the next phase of ground water protection starting in January 2004 (change from pesticide management zones to ground water protection areas and increased mitigation measures). CACs will need to estimate and track new duties to develop new funding sources.

Negotiated Work Plan Process

Description The NWP identifies the pesticide regulatory program goals specific to the local or regional issues faced by each CAC. Each NWP establishes workload and performance levels based on local and statewide priorities and the available resources.

Policy All counties, regardless of pesticide regulatory program size, will prepare and implement an approved NWP.

Schedule A final draft NWP is due to your SPUS liaison by July 1, 2003. An approved NWP must be completed by August 15, 2003.

NWP process overview The following table provides an overview of the NWP process. Detailed information about the process stages are provided in the following blocks.

Stage	Who does it	What happens
1	CAC	Creates a draft NWP following review of local pesticide regulatory program results, the FY 2003/04 PP, and available CAC staff resources. Provides draft plan to SPUS.
2	SPUS	Reviews draft NWP and prepares recommendations to be discussed during negotiation.
3	CAC & SPUS	Negotiate a NWP which balances local and state priorities with available resources.
4	CAC	Finalize draft NWP and provides completed document to SPUS.
5	SPUS & Regional Office supervisor	Review the NWP for recommended amendments or approval. <ul style="list-style-type: none"> • If amendments needed, return to Stage 3. • If approved, go to Stage 4.
6	CAC	Implements the approved NWP plan.
7	CAC & SPUS	Conduct periodic reviews to discuss progress, obstacles, and/or proposed amendments. <ul style="list-style-type: none"> • If amendments needed, return to Stage 3.

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Negotiated Work Plan Process, Continued

Review local pesticide regulatory program results

Before identifying local priority issues, CACs should thoroughly review the results of their local pesticide regulatory program activities conducted during the past one to three years, including the identification of:

- Local or regional trends in the pesticide episodes investigated by CAC staff
 - Compliance trends among licensees and permittees as shown in the inspection program results
 - Capacity of inspection and outreach strategies to cover appropriate industry sectors
 - Change in violators behavior following compliance or enforcement actions
 - Number and type of enforcement responses needed to change behavior
 - Industry sector compliance following targeted outreach and training programs
 - Effectiveness of local restrictions on restricted material applications
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Identify local priorities

The local program review, in combination with the suggested county performance measures identified in the PP, should drive the CAC's selection of local pesticide regulatory program priorities for the current NWP.

DPR urges all CACs to work with their SPUS during this stage of NWP development. Sharing information early in the process will foster a common understanding of opportunities and limitations, which will improve the negotiation experience for both parties.

Determine resource availability

Each NWP will describe the specific pesticide regulatory activities the CACs will conduct in response to their local priority issues. Before choosing and committing to these activities, CACs should determine the staff resources that will be needed for:

- “Required” activities such as restricted material permit evaluation/issuance, investigations, county registration activities, noncompliance follow-up activities, pesticide use report review and collection
 - “Core program” activities such as surveillance, inspections, enforcement and compliance actions, and annual industry training and outreach activities
 - “Elective” activities such as focused activities, outreach and training for new stakeholders, and research initiatives
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Negotiated Work Plan Process, Continued

Choose pesticide regulatory activities

Once the priority issues and resource levels have been determined, CACs can choose the pesticide regulatory activities that are most appropriate to their program goals. An individual county can conduct these activities on their own or coordinate with other CACs to address issues of regional concern. DPR expects chosen activities to be eligible for inclusion in the Pesticide Regulatory Activities Monthly Report (Enforcement Letter ENF 02-23) and to produce measurable work products. CACs should also specify completion time frames wherever possible.

The table below describes issues pertinent to NWP activity selection:

Issue	Description
Numeric targets	Numeric targets are optional in the issues-based NWP. However, DPR suggests that CACs consider establishing numeric targets for NWP work activities as it may make progress assessment easier.
DPR/CAC overview inspections	DPR intends to increase the number of oversight inspections conducted statewide and in focused counties especially in the area of federal Worker Protection Standard compliance monitoring. SPUSs will share DPR's oversight inspection priorities with each CAC. CACs should use this information in the development of their inspection strategies and resource allocation (Enforcement Letter ENF 03-07).
Mill disbursement	The NWP does not require you to conduct Pesticide Use Enforcement activities that are ineligible for mill assessment fund disbursement nor does it change the way you account for your activities and hours on the Monthly Report.

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Negotiated Work Plan Process, Continued

Negotiate to achieve common goals

The main objective of the negotiation process is the identification of mutually acceptable, practical goals and realistic workload commitments. DPR recognizes that the importance and applicability of specific performance measures, as outlined in the PP, will vary from county to county. However, DPR staff, as representatives of the Director, are charged with assuring that local program goals support and complement the broad strategic goals of compliance improvement, program development and training opportunities which apply to all.

Again, DPR suggests that CACs involve SPUSs early in the NWP process to assure that the negotiation is efficient, professional, and satisfying to both parties.

Implement the NWP

CACs should begin implementing their NWP as soon as they complete the negotiation with the SPUS and provide the final, signed NWP to their DPR Regional Office (RO). The RO supervisor will review the NWP with the appropriate SPUS and will either approve the plan with no changes or suggest amendments to be renegotiated with the CAC by the SPUS.

Successful NWP implementation depends on the level of CAC staff familiarity and understanding of the program goals and workload commitments contained the approved plan. CACs are encouraged to provide their staff with information about the approved NWP and instructions for incorporating plan goals into daily work activities of staff.

Periodic review and evaluation

DPR understands that unexpected events exert a profound impact on the limited resources available to conduct all CAC mandated programs. SPUSs will periodically review CAC progress in implementing their approved NWPs. The review will document difficulties encountered in activity tracking, obstacles experienced by CACs and their staffs, and, if applicable, amendments to the NWP negotiated during the review.

With the recent changes to the Effectiveness Evaluation and because numeric targets are not required for NWP approval, the quantity of work completed will not be evaluated in the year-end effectiveness evaluation (Executive Office Letter #02-03). We will focus on the quality of work produced and on the CACs success in implementing their approved NWPs.

Focused Activities – General Information

Purpose	<p>The Focused Activity (FA) mill disbursement criteria item was created to allow CACs to:</p> <ul style="list-style-type: none">• Address emerging issues in a timely manner.• Improve industry compliance with state and local pesticide use requirements through targeted inspection and enforcement activities.• Reduce risk to handlers, the public and the environment through better training and outreach programs.• Improve the delivery of the pesticide regulatory program throughout the state.
Definition	<p>A <u>new</u> project undertaken to create a long-term solution to a pesticide-related priority issue identified in the CAC's approved NWP.</p>
Approval criteria	<p>As part of the NWP process, DPR staff will evaluate all proposed FAs. DPR staff will approve proposed FAs that meet the following criteria:</p> <ul style="list-style-type: none">• Successful completion results in long-term improvements in:<ul style="list-style-type: none">✓ Industry compliance with regulatory requirements.✓ Local pesticide regulatory program delivery and implementation.✓ Staff development and training opportunities.• Written proposal contains adequate information, including:<ul style="list-style-type: none">✓ Problem statement.✓ Action plan.✓ Deliverables.✓ Expected long-term outcomes or level of improvement.• Project will result in measurable work products.• CAC possesses adequate resources to complete project within proposed schedule.• Project has not been conducted previously unless:<ul style="list-style-type: none">✓ Initial attempt did not produce desired results.✓ Project proposal amended to reflect new direction.
Maximum number allowed	<p>Each CAC may propose up to three annual or multi-year projects. On-going multi-year projects will count towards the total allowed until the project is completed.</p>

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Focused Activities – General Information, Continued

Duration

FAs may be annual or multi-year. The table below shows the duration of each type of FA.

Projects designated as . . .	Must be completed by the end of the . . .
Annual	First FY (June 30) in which it was started.
Multi-year	Second FY (June 30) following the start date in the prior FY.

Funded by mill assessment disbursement program

FAs may only be funded through the mill assessment disbursement program. CACs may not propose projects that have multiple funding sources such as “fee for service” programs or contractual obligations. DPR will not knowingly approve a project that receives funding through sources other than the mill assessment disbursement program and will rescind prior approval of projects funded through additional sources.

Ineligible activities include those:

- Performed under contract or agreement with DPR or any other agency (such as residue sampling or pesticide use data entry).
- Where fees are collected before the activity will be performed (training programs where the employer is charged).
- Eligible for mill disbursement under the other criteria items (investigations or inspections).

Note: The proposed project can include inspections, where appropriate, however, the project may not rely entirely on this activity and the CAC may only report inspection activities and hours in the inspection portion of the Monthly Pesticide Regulatory Activities Report.

Reporting requirements

To qualify for mill assessment disbursement, an approved FA project report must be submitted to and approved by the SPUS and RO supervisor within two months of the close of the FY. FA project reports submitted after this time period will be eligible for mill disbursement during the following FY.

Note: Incomplete projects will be counted towards the maximum number allowed per county.

Suggested Focused Activity - Chemigation and Backflow Prevention

Statewide goals	The goals for this priority issue are: <ul style="list-style-type: none">• Annual increases in the total number of chemigation application inspections conducted statewide.• Annual increases in industry compliance with chemigation and backflow prevention requirements.• Elimination of pesticide episodes that result in environmental contamination or injury to wildlife.
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Amended project purpose¹	Increase statewide industry compliance with chemigation and backflow prevention requirements by creating effective chemigation application monitoring systems adapted to local/regional issues and resources.
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Background	Recently, violations of chemigation and backflow prevention requirements have resulted in groundwater contamination and wildlife deaths. Follow-up inspections by CAC and DPR staff showed that applicators did not understand state and federal requirements or how to assure the safe operation of their application equipment.
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Except for pesticides classified as California Restricted Materials, applicators are not required to notify CAC of intended chemigation applications. This creates obstacles to a successful application-monitoring program. Implementing a system to identify likely chemigation sites and applications will allow CACs to increase the number of chemigation application inspections.

During the past two years, DPR, through the Center for Irrigation Technology, provided training to CACs and their staff in the proper use and inspection of chemigation and backflow prevention equipment.

Technical assistance	For technical assistance with chemigation or backflow prevention issues, please contact Ms. Joy Dias, Environmental Research Scientist, of the Environmental Monitoring Branch at (916) 324-4183 or <jdias@cdpr.ca.gov> .
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¹ DPR amended the purpose, content and presentation of this suggested FA to better meet statewide program needs. Due to the changed project purpose, CACs will be allowed to implement this suggested FA only once.

Suggested Focused Activity - Chemigation and Backflow Prevention, Continued

Required FA proposal elements The table below describes the required FA proposal elements for a chemigation and backflow prevention FA:

Proposal element	Description
Problem statement	Describe the current chemigation issues in the county and obstacles to successful monitoring, including the: <ul style="list-style-type: none"> • Importance of the chemigation locally • Current level of industry compliance • Current monitoring system (or lack of) • Average number of inspections conducted annually • Difficulties monitoring chemigation applications
Expected outcome	Describe the anticipated improvements and possible outcomes, such as: <ul style="list-style-type: none"> • Providing long-term solutions to common barriers to monitoring • Conducting “X”% more chemigation application inspections using the same level of effort as in prior years • Increasing applicator awareness through on-site “dry run” outreach activities • Facilitating annual comparison of the chemigation-monitoring program in county • Improving CAC staff skills, knowledge and abilities
Performance evaluation	Describe the criteria that will be used to measure the effectiveness of the proposed system.
Action plan	Describe the steps taken to establish an effective chemigation application monitoring program, such as: <ul style="list-style-type: none"> • Using the permit program to establish a county-wide map of permanent chemigation sites • Reviewing chemigation equipment requirements with property operators at the chemigation site (“dry run”) • Using regulatory tools to require notification of pending chemigation applications (Food and Agricultural Code 14006.6 [a] or county-specific Notice of Intent requirements for Restricted Material applications).

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Suggested Focused Activity - Chemigation and Backflow Prevention, Continued

Required FA proposal elements (continued)

Proposal requirement	Description
Test plan	Describe the test plan elements, including: <ul style="list-style-type: none"> • Numeric inspection targets (Required for this FA, include last year's total chemigation inspection count as a comparison). • Monitoring period (start and end dates). • Proposed monitoring targets (by season, crop, pesticide, or applicator type).
Deliverables	Describe the work products that will be delivered to DPR at the conclusion of the project, including: <ul style="list-style-type: none"> • Pesticide Use Monitoring Inspection forms.² • Final project report, including: <ul style="list-style-type: none"> ✓ <u>Chemigation: Grower Interview and Site Inspection</u> form (Rev. 05/2003) (Attachment 1).³

Final Report

At a minimum, the final report must document the activities undertaken by CAC staff to implement this FA project, including:

- Description of action plan implemented
- Discussion of testing results, including
 - ✓ Whether inspection were goals met and, if not, why
 - ✓ The types of inspections performed
 - ✓ General discussion of compliance observations
- Success of proposal – immediate implementation or amendment needed
- Description of any changes to program as a result of this FA, including:
 - ✓ New notification (NOI) or permitting requirements
 - ✓ New outreach program
 - ✓ Procedures for implementing new monitoring system
- Chemigation - Grower Interview and Site Inspection forms
- Other information as needed to document actions and results

² Submit pesticide-related inspection reports as attachments to the Pesticide Regulatory Activities Monthly Report per the instructions given in enforcement letter ENF 03-01. CACs may elect to attach appropriate inspection reports to the FA Final Project Report.

³ CACs must complete a "Chemigation: Grower Interview and Site Inspection" form for each chemigation application inspection conducted under this FA. These forms must be submitted as attachments to the Final Project Report.

Suggested Focused Activity – Application-Specific Information for Fieldworkers

Statewide goal	Increase employer and property operator compliance with field worker safety requirements, especially in the area of application-specific information display.
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Project purpose – State Level	<p>Completion of this project will allow DPR to obtain information necessary to negotiate the enforcement activities to be performed under the U.S. EPA Consolidated Grant for 2003/04, specifically:</p> <ul style="list-style-type: none">• Current property operator/employer compliance with application-specific information display requirements for fieldworkers at the time field work is occurring (3 CCR section 6761.1).• CAC resource issues associated with adding the evaluation of property operator/employer compliance with 3 CCR section 6761.1 to the current FWSI.
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Project purpose – County Level	<p>Engaging in this project will allow CACs to:</p> <ul style="list-style-type: none">• Improve compliance with field worker safety requirements by conducting “enhanced” FWSIs where compliance with 3 CCR section 6761.1 is evaluated while field work is occurring.• Assist DPR in program improvement by providing information about the resources needed to add the evaluation of 3 CCR section 6761.1 to the current FWSI procedures.
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Suggested Focused Activity – Application-Specific Information for Fieldworkers, Continued

Background DPR’s statewide compliance assessment program exposed a very low rate of property operator compliance with 3 CCR section 6761.1, Application Specific Information for Fieldworkers. This regulation requires the operator of property used for the commercial or research production of an agricultural plant commodity to display application-specific information at a central location while employees are employed to work in fields.

The U.S. EPA expects states to implement a complete Worker Protection Standard compliance-monitoring scheme, which includes the routine evaluation of employer compliance with the application-specific information display requirements while fieldwork is occurring. DPR’s current inspection procedures require evaluation of this regulation during an employer headquarters inspection. Since this inspection often occurs during times of minimal field activity, is not effective in assessing employer compliance with this requirement. Determining compliance with application specific information display requirements as part of the FWSI will provide an accurate assessment of compliance with this requirement however; DPR will consider resource issues prior to implementing substantial program changes.

Required FA project elements The table below describes the required FA proposal elements of an application specific information for fieldworkers FA:

Proposal elements	Description
Background information	Describe the current FWSI program, including: <ul style="list-style-type: none">• Average number of FWSIs completed per year.• Types of field work conducted in the county.• Percentage of FLC and growers-managed field crews.• Level of employer compliance seen in previous inspections.
Procedures followed by staff	Proposal must include a commitment by CAC in writing to follow procedures outlined in the following block when conducting “enhanced” FWSI inspections under this FA.

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Suggested Focused Activity – Application-Specific Information for Fieldworkers, Continued

Required FA project elements (continued)

Proposal elements	Description
Minimum number of inspections	Proposal must include a commitment by CAC to complete a minimum of 25 “enhanced” FWSIs ⁴ to be eligible for this project.
Inspection monitoring program	Describe the inspection-monitoring program that will be used for this FA. The inspections conducted under this FA <u>must</u> reflect the local industry in as much as possible. <ul style="list-style-type: none"> • Percentage of inspections per operator type (FLC or grower) • Percentage of inspections per season • Percentage of inspection per crop • Percentage of inspection per activity <p><u>Note:</u> DPR may reject a completed FA if the inspections do not substantially conform to the proposed monitoring program.</p>
Deliverables	Describe the work products that will be delivered to DPR at the conclusion of the project, including: <ul style="list-style-type: none"> • FWSI reports² • Final Project Report that summarizes the background information, original inspection targets, and actual inspections conducted (how close to targeted) • <u>Application-Specific Information Display Evaluation</u> form (Attachment 2)

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⁴ This goal is based on the number of counties that complete more than 30 FWSIs per year (23+), the average number of hours expended per FA (149+), the average amount disbursed for each FA (\$2500.00-\$3000.00/activity), and an estimate of the additional time needed (1-2 hours). Given this information, CAC would need to expend an addition 25 to 50 hours on the “enhanced” portion of the FWSI which would return between \$50.00 to \$120.00 per hour (average FA disbursement) in addition to monies paid under the Inspection criteria item for completed FWSIs.

Suggested Focused Activity – Application-Specific Information for Fieldworkers, Continued

Procedures for “enhanced” FWSI

The table below includes the procedures that CAC staff must follow when performing an “enhanced” FWSI inspection.

Note: “Enhanced” FWSIs can only be conducted in an agricultural production field that was treated with a pesticide or had a reentry interval in effect within the last 30 days.

Step	Action
1	Conduct a standard FWSI. <u>Note</u> : Follow the procedures for FWSI (PR-ENF-103) in the Inspection Procedures Manual.
2	Determine whether the field meets the definition of “treated”. If Yes , proceed to Step 3. If NO , do not continue.
3	Proceed to the property operator’s central location. <u>Note</u> : Steps 3 & 4 must be completed while the field workers are working in the treated field regardless of the property operator’s location, the need to cross county borders, or coordinate activities with another CAC.
4	Evaluate the property operator’s compliance with the application-specific information display requirements. <u>Note</u> : Complete section 3 of the <u>Application Specific Information Display Evaluation</u> form (Rev. 05/2003). Document the property operator’s compliance with 3 CCR section 6761.1 in the appropriate location on the FWSI form (PR-ENF-103) per the instructions in the Inspection Procedures Manual.
5	Complete sections 1 and 2 of the <u>Application Specific Information Display Evaluation</u> form (Rev. 05/2003) as soon as practical following the conclusion of the “enhanced” FWSI inspection.

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Suggested Focused Activity – Application-Specific Information for Fieldworkers, Continued

Final report

CACs must document the results of this project by preparing a final report that summarizes:

- the methods used and obstacles experienced
- how well inspection targets were met
- compliance observed and other issues of note
- average time needed to complete the “enhanced” inspection versus a standard FWSI

Note: In some cases, the enhanced inspection will require CACs to cross county lines to complete the inspection. DPR is very interested in how CACs resolve “cross-border” issues such as this one. Please include information about this issue in the project documentation including the number of inspections requiring cross-border coordination and the methods used to complete the “enhanced” inspection.

CHEMIGATION: GROWER INTERVIEW AND SITE INSPECTION

Inspection Form Number: _____

Installation ID: _____

Owner Name: _____

Location: _____

Type of Irrigation System: _____

CHEMIGATION SYSTEM COMPONENTS CHECK LIST

Please check the components that are currently on the growers' chemigation system

A. Water Source:

Farm Irrigation Well.....☐

Public Water Supply*☐

Other☐

Describe: _____

B. Chemigation System Location and Configuration:

At Wellhead, Electric Motor Driven☐

At Wellhead, Engine Driven☐

Remote From Wellhead☐

C. Required Irrigation System Components:

1. **BACKFLOW PREVENTER ASSEMBLY ON IRRIGATION PIPELINE**

• Check Valve Single Valve ☐ Double Valve ☐

• Vacuum Relief Valve☐

• Low Pressure Drain☐

• Other☐

Describe _____

2. **AUTOMATIC QUICK CLOSING CHECK VALVE** on Pesticide Injection Line☐

3. **NORMALLY CLOSED SOLENOID OPERATED VALVE**

• On Intake Side of Injection Pump☐

• Interlocked to Pump☐

Approved Alternatives

• Spring-loaded Check Valve with 10 psi Minimum Cracking Pressure.....☐

• Normally-closed Hydraulically Operated Check Valve☐

• Vacuum Relief Valve in Pesticide Pipeline.....☐

4. **SYSTEM INTERLOCK** to Automatically Shut Off Pesticide Injection Pump

• Electrical Interlock to Chemical Injection Pump☐

• Belt Drive Direct to Drive Shaft☐

5. **LOW PRESSURE SWITCH** on Irrigation Line to Stop Irrigation Pump.....☐

6. **CHEMICAL INJECTION DEVICE**

• Positive Displacement Injection Pump☐

• Other☐

• Describe _____

Approved Alternative

• Venturi Based Injection Device with Proper Check Valves☐

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D. Other

Pesticide Tank ☐
Pesticide Tank Agitation
 Required ☐
 Provided ☐
Period of Pesticide Application
 Continuous ☐
 Periodic ☐
Mixing Instructions Provided ☐
 If no, explain _____
Recommended Range of Irrigation Applications:
 Minimum _____ in. per set/round
 Maximum _____ in. per set/round

E. System Designer

Property Owner/Operator ☐
Dealer ☐
Consultant ☐
Other ☐
Designer Name _____
Date Installed _____
Operator Name _____
Title _____

F. Operational Inspection

Note: Inspect for indications of satisfactory performance or indications of improper design or operation

Evidence of chemical spill Yes ☐ No ☐
Explain _____

Evidence of piping materials deterioration Yes ☐ No ☐
Explain _____

Evidence of leakage Yes ☐ No ☐
Explain _____

Evidence of valve malfunction Yes ☐ No ☐
Explain _____

General condition of the site
 Satisfactory ☐
 Unsatisfactory ☐
 Explain _____

Inspected By

Date

* The devices described do not necessarily conform to requirements for connections to public water ground water supplies; however this information is still valuable. If the answer to this question is "Yes," continue with the inspection, recording as much information as possible on the Site Inspection Form.

Note: Counties conducting the Chemigation Focused Activity must complete this form at the time of the chemigation application inspection. Completed forms must be attached to the Final Project Report and submitted to DPR's Mill Assessment Program Branch. Pesticide Use Monitoring Inspection forms must be submitted to DPR as an attachment to the Pesticide Regulatory Activities Monthly Report – there is no requirement to provide a second copy of the inspection form with the Final Project Report.

APPLICATION-SPECIFIC INFORMATION DISPLAY EVALUATION

Section 1: General Inspection Information

County Name:		
Inspector Name:		
Inspection Form Number:		
FWSI Inspection Date:		
Application Specific Display Inspection Date:		
Inspection Time:	Inspection Start / End Time ¹ :	
	Time required to complete standard FWSI:	
	Time required to complete Application-Specific Information Display evaluation ²	

Section 2: Property Operator Information

Property Operator Name:		
Property Operator Address:		
	Was the property operator's central location within inspecting county? Yes: No:	
If out of county, please explain how inspection was completed:		

Section 3: Application-Specific Information Display Compliance Information

Did the Application-Specific Information Display contain the:	Yes	No
Identity of treated area		
Application date		
Application time		
Restricted entry interval		
Pesticide product name		
EPA Registration Number		
Active ingredient(s)		

¹ "Inspection Start / End Time" – "Enhanced" FWSI begins with the start of the field inspection and concludes after Application-Specific Information Display is inspected.

² "Time Required to Complete the Application-Specific Information Evaluation" – Total time required to arrive at property operator's central location, evaluate the information display, and discuss compliance issues with property operator. If central location is in excess of 30 minutes away from field, include return time in total time spent.